FILED

APR 1 1 2007
4-11-07
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR NORTHEN DISTRICT OF ILLINOIS
EASTERN DIVISION

FRANK GOLDSTEIN, Plaintiff, v. SOFITEL CHICAGO WATER TOWER, ACCOR, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR HOTELS, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR NORTH AMERICA CORPORATION, individually, and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR BUSINESS AND LEISURE MANAGEMENT, LLC., individually and d/b/a SOFITEL CHICAGO WATER TOWER, LA TOURAINE, L.L.C., individually, and d/b/a SOFITEL CHICAGO WATER TOWER, SOFITEL NORTH AMERICA CORPORATION, individually and d/b/a SOFITEL CHICAGO WATER TOWER. Defendants.	)	Case No. Judge 07CV2008 JUDGE GOTTSCHALL MAGISTRATE JUDGE SCHENKIER

NOTICE OF REMOVAL

Defendants Sofitel Chicago Water Tower, Accor, individually and d/b/a Sofitel Chicago Water Tower, Accor Hotels, individually and d/b/a Sofitel Chicago Water Tower, Accor North America Corporation, individually, and d/b/a Sofitel Chicago Water Tower, Accor Business and Leisure Management, LLC., individually and d/b/a Sofitel Chicago Water Tower, LA Touraine, L.L.C., individually, and d/b/a Sofitel Chicago Water Tower, Sofitel North America Corporation, individually and d/b/a Sofitel Chicago Water Tower ("Defendants") requests the removal of this action from the Circuit Court of Cook County, Illinois County Department, Law Division to the

United States District Court for the District of Illinois, Eastern Division. As grounds for removal, Defendants state:

1. On March 13, 2007, Defendants were served with a copy of a Summons and a Complaint alleging negligence in a civil action entitled Frank Goldstein v. Sofitel Chicago Water Tower, Accor, individually and d/b/a Sofitel Chicago Water Tower, Accor Hotels, individually and d/b/a Sofitel Chicago Water Tower, Accor North America Corporation, individually, and d/b/a Sofitel Chicago Water Tower, Accor Business and Leisure Management, LLC., individually and d/b/a Sofitel Chicago Water Tower, LA Touraine, L.L.C., individually, and d/b/a Sofitel Chicago Water Tower, Sofitel North America Corporation, individually and d/b/a Sofitel Chicago Water Tower, Case No. 2007 L 001948, filed in the Circuit Court of Cook County, Illinois County Department, Law Division. Copies of the Summons and Complaint, which constitute all pleadings filed by all parties with the state court, are attached as Exhibit 1.

2. This Court has original jurisdiction because diversity jurisdiction exists under 28 U.S.C. § 1332. The only controversy in this case is between Plaintiff, a citizen of the State of Pennsylvania, and Defendant, a citizen of the states of Delaware and Texas. Plaintiff is a resident of Pennsylvania. Defendants were, at the time of filing and service of the summons and complaint, and still are, a corporation organized under the laws of the state of Delaware, with their principal place of business located in the State of Texas.

3. Plaintiff has made a settlement demand of $150,000. Additionally, Plaintiff alleges that he suffered damages, including but not limited to, severe and permanent injuries, both externally and internally, and was and will be prevented from attending his usual duties and affairs, emotional pain, suffering, inconvenience, and mental anguish, and claims that he needs a knee replacement. Given the $150,000 that plaintiff claims in his settlement demand letter, the

amount in controversy in the case exceeds the sum of Seventy-five Thousand Dollars ($75,000), exclusive of interest and costs. See *Shaw v. Dow Brands*, 994 F.2d 364, 366 n. 2 (7th Cir. 1993)(all that is required for removal is "reasonable probability" that more that $75,000 is in controversy)

4. The following is an example of a case involving a personal injury damage award involving knee replacement issues like that at issue in this case: *Garcia v. Al's Steakhouse, Inc.*, Case No. 94 L 9638 (Will County, IL 1996) (plaintiff slipped on clear liquid on tile floor and required knee joint replacement ($81,454 awarded). Given the type of damage awards in cases such as Garcia, the amount in controversy in the case exceeds the sum of Seventy-five Thousand Dollars ($75,000), exclusive of interest and costs.

5. This action is one in which this Court has original jurisdiction under the 28 U.S.C. §1332, and, therefore, is removable to federal court pursuant to 28 U.S.C. § 1441(b).

6. Jurisdiction is appropriate in this Court as the United States District Court for the District of Illinois, Eastern Division is the "district court for the district and division embracing the place" where the state court action is pending. 28 U.S.C. § 1441(a).

7. A copy of this Notice of Removal has also been filed with the Clerk for the Circuit Court of Cook County, Illinois County Department, Law Division.

8. This notice of removal is filed within 30 days of receipt by Defendants of the Summons and Complaint, and is timely filed in accordance with 28 U.S.C. 28 U.S.C. § 1446(b).

WHEREFORE, pursuant to the provisions of 28 U.S.C. § 1332, and 28 U.S.C. § 1441(b), Defendants remove to this Court the above-referenced action now pending before the Circuit Court of Cook County, Illinois County Department, Law Division.

DATED: April 11, 2007 Respectfully submitted,

Defendants

By: ______________________
One of its Attorneys

Marty Denis
Bethany Hilbert
Clinton Trapp
BARLOW, KOBATA & DENIS
525 W. Monroe Street, Suite 2360
Chicago, Illinois 60661
(312) 648-5570

CERTIFICATE OF SERVICE

I, Clinton K. Trapp, attorney for Defendants, certify that I caused to be served upon Plaintiff a copy of Defendants' **Notice of Removal to the United States District Court** on April 11, 2007 via U.S. mail to:

Louis C. Cairo
Goldberg, Weisman & Cairo, Ltd.
One East Wacker
34th Floor
Chicago, Illinois 60601

Clinton K. Trapp

IN THE UNITED STATES DISTRCIT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FRANK GOLDSTEIN, Plaintiff, v. SOFITEL CHICAGO WATER TOWER, ACCOR, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR HOTELS, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR NORTH AMERICA CORPORATION, individually, and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR BUSINESS AND LEISURE MANAGEMENT, LLC., individually and d/b/a SOFITEL CHICAGO WATER TOWER, LA TOURAINE, L.L.C., Individually, and d/b/a SOFITEL CHICAGO WATER TOWER, SOFITEL NORTH AMERICA CORPORATION, individually and d/b/a SOFITEL CHICAGO WATER TOWER. Defendants.	)	Case No. ______________ Judge ________________

AFFIDAVIT

I, Clinton Kenneth Trapp, being duly sworn, deposes, and states

1. I am co-counsel for Defendants in the above captioned matter. In that capacity, I have personal knowledge of the following facts, and, if sworn as a witness, I can competently testify to the following:

2. Attached hereto are true and correct copies of the following of Plaintiff's Complaint and Summons served on Defendants, attached as Exhibit 1.

Clinton K. Trapp

Sworn and subscribed to before
me this 11 day of April 2007

"OFFICIAL SEAL"
EDDY L. GROVE
Notary Public, State of Illinois
My Commission Expires July 21, 2008

EXHIBIT 1

#03868 JTC/lm

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

FILED-6
2007 FEB 21 PM 3:10

FRANK GOLDSTEIN,	)	
	)	
Plaintiff,	)	No.
	)	
v.	)	
	)	
SOFITEL CHICAGO WATER TOWER, ACCOR, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR HOTELS, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR NORTH AMERICA CORPORATION, individually, and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR BUSINESS AND LEISURE MANAGEMENT, LLC., individually and d/b/a SOFITEL CHICAGO WATER TOWER, LA TOURAINE. L.L.C., individually, and d/b/a SOFITEL CHICAGO WATER TOWER, SOFITEL NORTH AMERICA CORPORATION, individually and d/b/a SOFITEL CHICAGO WATER TOWER.	)	2007L001948 CALENDAR/ROOM A TIME 00:00 Premises Liability
	)	
Defendants.	)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, FRANK GOLDSTEIN, by and through his attorneys, GOLDBERG, WEISMAN & CAIRO, LTD., and complaining of the Defendants, SOFITEL CHICAGO WATER TOWER, ACCOR, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR HOTELS, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR NORTH AMERICA CORPORATION, individually, and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR BUSINESS AND LEISURE MANAGEMENT, LLC., individually and d/b/a SOFITEL CHICAGO WATER TOWER, , LA TOURAINE. L.L.C., individually, and d/b/a SOFITEL CHICAGO WATER TOWER, SOFITEL NORTH AMERICA CORPORATION, individually and d/b/a SOFITEL CHICAGO WATER TOWER, (hereinafter "SOFITEL DEFENDANTS"), alleges as follows:

1. On or about May 7, 2005, the Plaintiff, FRANK GOLDSTEIN was lawfully upon the premises commonly known as the SOFITEL CHICAGO WATER TOWER located at 20 East Chestnut Street, in the City of Chicago, County of Cook and State of Illinois.

2. On or about May 7, 2005, the SOFITEL DEFENDANTS, and each of them, owned, possessed operated, managed controlled, leased and maintained or had the duty to operate and manage, control, and maintain the premises located at 20 East Chestnut Street, in the City of Chicago, County of Cook and State of Illinois.

3. At the aforementioned time and place the Plaintiff, FRANK GOLDSTEIN was legally on the premises.

4. At the aforesaid time and place the SOFITEL DEFENDANTS, and each of them, were under a duty to keep and maintain the premises in a reasonably safe condition for the safety of its customers, in particular, the Plaintiff.

5. At the aforesaid time and place and prior thereto, while legally upon the aforesaid premises, the Plaintiff was caused to fall through an unmarked and concealed doorway, which was located in a ballroom on the premises.

6. The unmarked and concealed doorway was a dangerous condition then and there existing upon the premises.

7. Notwithstanding their duty at said time and place, the SOFITEL DEFENDANTS, then and there committed one or more of the following careless and negligent acts and/or omissions:

(a) Carelessly, negligently maintained the subject premises so that as a direct and proximate result thereof the Plaintiff was injured;

(b) Carelessly and negligently allowed an unmarked and concealed door to exist on its premises so as to create a hazardous condition;

(c) Carelessly and negligently failed to inspect the ballroom and unmarked door;

(d) Carelessly and negligently failed to lock the unmarked door when Defendant knew or in the exercise of ordinary care should have known that it created a dangerous conditrion;

(e) Carelessly and negligently failed to warn the Plaintiff of the unsafe dangerous condition then and there existing with the unmarked and concealed door;

(f) Carelessly and negligently operated, controlled, managed and/or maintained said premises so that as a direct and proximate result thereof the Plaintiff was injured;

(g) Carelessly and negligently failed to mark the concealed door so as to warn the Plaintiff of the unsafe dangerous condition then and there existing.

(h) Carelessly and negligently failed to barricade the unmarked door when Defendant knew or in the exercise of ordinary care should have known that it created a dangerous conditrion;

8. As a direct and proximate result of one or more of the aforesaid careless, negligent acts and/or omissions of the SOFITEL DEFENDANTS, the Plaintiff, FRANK GOLDSTEIN was caused to fall through the unmarked and concealed door and sustain serious personal injuries.

9. As a direct and proximate result of the aforesaid, careless and negligent acts and/or omissions of the SOFITEL DEFENDANTS, the Plaintiff then and there sustained severe and permanent injuries, both externally and internally, and was and will be

hindered and prevented from attending to his usual duties and affairs, and has lost and will in the future lose the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, Plaintiff, FRANK GOLDSTEIN prays for judgment in his favor and against the Defendants, SOFITEL CHICAGO WATER TOWER, ACCOR, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR HOTELS, individually and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR NORTH AMERICA CORPORATION, individually, and d/b/a SOFITEL CHICAGO WATER TOWER, ACCOR BUSINESS AND LEISURE MANAGEMENT, LLC., individually and d/b/a SOFITEL CHICAGO WATER TOWER, LA TOURAINE, L.L.C., individually, and d/b/a SOFITEL CHICAGO WATER TOWER, SOFITEL NORTH AMERICA CORPORATION, individually and d/b/a SOFITEL CHICAGO WATER TOWER, in a sum in excess of FIFTY THOUSAND DOLLARS ($50,000.00) and costs of suit.

GOLDBERG, WEISMAN & CAIRO, LTD.

BY: ____________________
Attorney for Plaintiff

J. Thomas Chute, Esq.
GOLDBERG, WEISMAN & CAIRO, LTD.
One E. Wacker Drive
#3400
Chicago, IL 60601
(312) 464-1200

2120 - Served	2121 - Served
2220 - Not Served	2221 - Not Served
2320 - Served By Mail	2321 - Served by Mail
2420 - Served by Publication	2421 - Served by Publication

SUMMONS ALIAS - SUMMONS (Rev. 8/8/96) CCG 0001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

FRANK GOLDSTEIN,

Plaintiff,

vs.

SOFITEL CHICAGO WATER TOWER, et al.,

Defendants.

CASE NO. 2007L001948
CALENDAR/ROOM A
TIME 00:00
Premises Liability

PLEASE SERVE:

SEE REVERSE FOR SERVICE LIST

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room* 801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

> There will be a fee of $140.00 to file your Appearance, or you may present an Application to Sue or Defend as a Poor Person (form #CCG-19). If approved by the Presiding Judge, the fee will be waived.

WITNESS, FEB 21 2007, 2007

Clerk of Court

DOROTHY BROWN
CLERK OF CIRCUIT COURT
SEAL

Louis C. Cairo, ESQ.
Name : GOLDBERG, WEISMAN & CAIRO, LTD.
Attorney for Plaintiff
Address One E. Wacker, 34th Fl.
City/Zip Chicago, IL 60601
Telephone 312/464-1200
Atty. No. 03868

Date of service: ____________ 2007
(To be inserted by officer of copy left with defendant or other person)

**Service by Facsimile Transmission will be accepted at: ____________
(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

*Law Division Room 801 Chancery Divorce Room 802 County Division Room 1202 Probate Division Room 1202

SERVICE LIST

SHERIFF PLEASE SERVE THE FOLLOWING DEFENDANTS:

•SOFITEL CHICAGO WATER TOWER
c/o C T Corporation System, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60604

•ACCOR, Individually and d/b/a
SOFITEL CHICAGO WATER TOWER
c/o C T Corporation System, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60604

•ACCOR HOTELS, individually and d/b/a
SOFITEL CHICAGO WATER TOWER
c/o C T Corporation System, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60604

•ACCOR NORTH AMERICA CORPORATION, Individually, and d/b/a
SOFITEL CHICAGO WATER TOWER
c/o C T Corporation System, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60604

•ACCOR BUSINESS AND LEISURE MANAGEMENT, LLC., Individually and d/b/a
SOFITEL CHICAGO WATER TOWER
c/o C T Corporation System, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60604

•LA TOURAINE, L.L.C., Individually, and d/b/a
SOFITEL CHICAGO WATER TOWER
c/o C T Corporation System, Registered Agent
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Chicago, IL 60604

•SOFITEL NORTH AMERICA CORPORATION, individually and d/b/a
SOFITEL CHICAGO WATER TOWER
c/o C T Corporation System, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60604

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served by Publication

2121 - Served
2221 - Not Served
2321 - Served by Mail
2421 - Served by Publication

2007L001948
CALENDAR/ROOM A
TIME 00:00
Premises Liability

SUMMONS ALIAS - SUMMONS (Rev. 8/9/06) CCG 0001

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FRANK GOLDSTEIN,

Plaintiff,

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CASE NO.

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Clerk of Court

Louis C. Cairo, ESQ.
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Attorney for Plaintiff
Address One E. Wacker, 34th Fl.
City/Zip Chicago, IL 60601
Telephone 312/464-1200
Atty. No. 03868

Date of service: ____________, 2007
(To be inserted by officer of copy left with defendant or other person)

DOROTHY BROWN
CLERK OF CIRCUIT COURT
SEAL

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(Area Code) (Facsimile Telephone Number)

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